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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,499	09/14/2000	Rachel K. E. Bellamy	YOR9-2000-0332US1	2266
46069	7590	01/10/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			DINH, KHANH Q	
			ART UNIT	PAPER NUMBER

2151

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Applicant(s) 09/662,499	Applicant(s) BELLAMY ET AL.	
	Examiner Khanh Dinh	Art Unit 2151	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: \_\_\_\_\_

  
**ZARNI MAUNG**  
 SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant asserts that the cited reference does not disclose "displaying a user representation within the abstract graphical display incorporating the user data to the user".

Examiner respectfully points out that Gudjonsson discloses the Applicant's claimed invention "displaying a user representation within the abstract graphical display incorporating the user data to the user" by mapping and displaying a local user data to a user server to be displayed to other user (see fig.11, col.9 lines 8-67, col.15 line 13 to col.16 line 67). Furthermore in figure.6, the cited reference discloses selecting users from this contact list, a variety of functions become available to the selecting user (7). Then the selecting user 7 can display information about a given contact (e.g., a selected user from the list). The user(s) implements the information which may be a combination of items that the contact has actually defined for himself, e.g., preferred nickname and other public information. In addition, a function which becomes available to the selecting user 7 is the ability to send invitations to the selected contact from the list (see col.12 line 19 to col.13 line 18).

Applicant asserts that the cited reference does not disclose user data "abstracted to provide the user proxy comprising an abstract graphical cue".

Examiner respectfully points out that Gudjonsson discloses the Applicant's claimed invention by using the inter-cluster service that acts as a proxy between services in different clusters, see col.11 line 20 to col.12 line 54 and col.15 line 13 to col.16 line 67) and mapping/ displaying a local user data information to a user server to be displayed to other user (see fig.11, col.9 lines 8-67, col.15 line 13 to col.16 line 67). The user data information about a given contact (e.g., a selected user from the list) which may be a combination of items that the contact has actually defined for himself, e.g., preferred nickname and other public information. In addition, a function which becomes available to the selecting user 7 is the ability to send invitations to the selected contact from the list (see col.12 line 19 to col.13 line 18).

Applicant further asserts that the combination of references is hindsight.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(kp)